IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY FOURTH DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION No. 660 of 2005

Between:

1 Buligarla Gopal, S/o.Chinnaiah,
2 Akurthi Kotaiah, S/o.A.Ramaiah,
3 M.C.Raghavulu Setty, S/o late Subrahmanyam Setty
4 Sk.Khadar Basha, S/o.Himam Saheb,
5 Oruganti Venkata Subbaiah, S/o.Ramanaiah,
6 C.Devasenamma, W/o.C.Ravindraiah,
7 Mitikala Malakondaiah, S/o.Peddanna,
8 Jonna Kothala Chinnakka, W/o.Venkataiah,
9 Mekala Srinivasulu, S/o.Ramanaiah,
10 Metikala Ademma, W/o.Kondaiah,
11 Metikala Padmavathi, W/o.Balakondaiah,
12 Boligandla Vijaya Babu, S/o.Chinnaiah
All are residents of Sangam (V)&,(M), Nellore District.

..... PETITIONERS

AND

1 The Joint Collector, Nellore, Nellore District.
2 The Revenue Divisional officer, Sangam Division, Nellore,
Nellore District.
3 The Mandal Revenue officer, Sangam (M), Nellore District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court will be pleased to issue a writ order or direction more particularly one in the nature of writ of Mandamus declaring the action of the respondents in distributing the petitioners lands situated in sy.No.500, 504, 510/ 1, 508/2, 485-2, 486-2, 486-1, 506, 510-2, 511-1, 483-2 and 447 and 448, situated at Tarunvai Village, Sangam (M), Nellore District to the

weaker section people, as illegal, irregular against the policy of the Government and against the Articles, 14 and 16 of the Constitution of India.

Counsel for the Petitioner : Mr.SIDDATAPU SRINIVASA RAO

Counsel for Respondents : G.P. FOR REVENUE

The Court made the following :

ORDER:

Heard the learned counsel for the petitioners and the learned Government Pleader for the Respondents and both of them agreed for disposal of the writ petition at the stage of admission.

The case of the petitioners is that the land bearing Survey Nos.500, 504, 510/1, 508/2, 485-2, 486-2, 486-1, 506, 510-2, 511-1, 483-2, 447 and 448 situated at Tarunvai village, Sangam Mandal, Nellore District was assigned to them and that they are in possession of respective extents of land since long back. It is stated that the third respondent by his proceedings dated 10.8.2004 ordered for resumption of the land in favour of the Government, and that aggrieved by the said order, the petitioners filed statutory appeal before the second respondent. The grievance of the petitioners in this writ petition is that the second respondent has not passed any orders on the said appeal, and pending appeal, the respondents are trying to evict the petitioners from the land in question. Hence the writ petition.

Since the appeal filed by the petitioners is pending before the second respondent, I deem it appropriate to dispose of the writ petition directing the second respondent to consider and dispose of the appeal preferred by the petitioners, and pass appropriate orders thereon in accordance with law. Till disposal of the said appeal, the petitioners shall not be evicted from the land in question.

With the above directions, the writ petiton is disposed of. No costs.

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N.V.RAMANA, J

Date: 24.1.2005

Note: Wire at Party's costs.

B/o

DA/KSR

To

1 The Joint Collector, Nellore, Nellore District.
2 The Revenue Divisional officer, Sangam Division, Nellore, Nellore District.
3 The Mandal Revenue officer, Sangam (M), Nellore District.

4 Two CCs to the G.P. for Revenue, High Court Buildings, Hyderabad (OUT).

5 Two CD copies.